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Remarks

Claims 1-26 were pending. Claims 3, 7, 8, 10-16 and 23-25 have been amended. No claims have been cancelled. No claims have been added. Thus claims 1-26 are subject to continued examination.

Obviousness Rejections

Claims 1-2, 9-15, 23, and 25 stand rejected under 35 U.S.C. §103(a) as being obvious over Schwartz (US 3,717,150) in view of Catallo (US 4,363,161). Claims 3-8, 16-22, 24 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schwartz in view of Catallo and further in view of Heiman (US 5,759,662). Continued rejection on these grounds is respectfully traversed and reconsideration is requested.

In order to establish a *prima facie* case of obviousness there must be some suggestion or motivation that would lead to the claimed invention. The suggestion or motivation may derive from the references themselves or from the knowledge generally available to those of skill in the art. In addition, all the claim limitations must be taught or suggested by the prior art (MPEP § 2142). Applicants respectfully submit that these standards are not met with regard to the claims as now presented.

As best understood, all rejections rely on Schwartz in combination with Catallo for teachings with respect to mechanical shrinking of a textile structure. With respect to Schwartz in combination with Catallo, Applicants respectfully submit that

neither reference provides a suggestion or motivation to combine. As noted at MPEP §2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the art also suggests the desirability of the combination.

Schwartz teaches that for stretchability, the fabric 11 is subjected to at least one normal washing and drying cycle (Col. 4, lines 29-30). The shrinkage mechanism employed in Schwartz is standard laundry shrinkage. Importantly, Schwartz teaches that the desired stretchability is contingent upon obtaining substantially greater shrinkage in the core (10) than in the non-shrinkable stitching yarn (12). See, Col. 2, lines 10-14 and Col. 4, lines 34-44. If the stitching yarns (12) shrink too much, the stretchability of the fabric is ruined. See, Col. 6, lines 7-11. Moreover, as best understood, Schwartz seeks to obtain stretchability in all directions.

As best understood, in light of the differential shrinkage mechanism advocated by Schwartz, it is respectfully submitted that there would be no motivation to apply mechanical compression force in the machine direction. To the contrary, it is respectfully submitted that the application of linear mechanical compression would be expected to impart generally equivalent levels of shrinkage to all components. Thus, the advocated stretch and recovery characteristics arising from differential shrinkage would be placed at risk. In addition, at least some degree of stretchability in the cross machine direction would likely be lost.

The Office Action takes the position that it would be obvious to shrink the textile structure of Swartz using mechanical compression, as taught by Catallo, to

provide greater control over the shrinking step. However, it is respectfully submitted that this analysis fails to consider the fact that Schwartz is dependent upon using a shrinking mechanism that imparts greater shrinkage to the core material than to the stitching yarns. Thus, it is respectfully submitted that there would be no motivation to use a compression system as advocated by the Office Action since substantial differential shrinkage would not be obtained. Consequently, Applicants request that all outstanding obviousness rejections based on Schwarz in view of Catallo be withdrawn.

With respect to the Schwarz in combination with Heiman, Applicant respectfully points out that the cotton containing yarns (14, 16) in Heiman are in fact ground yarns in the textile structure (Col. 2, lines 47-51). As best understood, these ground yarns are disposed beneath the loop-forming yarns (18) that actually define the user contact surface (FIG. 1). As best understood, Heiman specifically advocates that the loop-forming yarns are polyester. The Office Action argues that the "user contact surface" is merely a broad description, and does not clearly define the physical structure of the textile structure. Applicants respectfully disagree. The instant claims specify that the bonding yarns define a user contact surface across the core layer. Furthermore, Heiman teaches that the present invention provides a facing fabric for reusable incontinent products having a hydrophobic body-facing surface (Col. 1, lines 57-59, emphasis added). The loops 22 of fabric 10 extend outwardly away from the barrier layer 42 so as to be available against the body 44 of the human (or animal) using the product (Col. 3, lines 49-52) and fabric 10 will be utilized in reusable incontinent product 40 with the unnapped loops 22 of fabric 10

facing against the body (Col. 4, lines 1-3). Unlike the instant invention, Heiman does not employ bonding yarns, rather he utilizes a face fabric with loop pile construction including ground yarns to hold the loop pile construction (Col. 2, lines 2-3).

Applicants respectfully submit that combination of Schwartz with Heiman in no way suggests that the hydrophobic bonding yarns of Schwartz should contain hydrophilic constituents. The hydrophilic constituents in Heiman are only used for the ground yarns which hold the hydrophobic loop pile construction. In both Schwarz and Heiman, the user contact surface is hydrophobic. Thus, the use of cotton or other hydrophilic constituent fibers in bonding yarns that define a user contact surface appears to represent a departure from the cited art. In this regard, it is respectfully submitted that the combined teachings of Schwartz and Heiman actually appear to weigh against the claimed invention since the user contact surfaces in those references appear to be limited to hydrophobic materials.

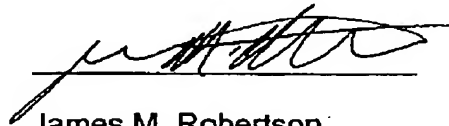
Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance. Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

To any extent that an extension of time may be required, a request for such an extension is hereby made. In the event that there are additional fees

associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 50-1424.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. M. Robertson', is written over a horizontal line.

James M. Robertson
Registration No. 36,905
(864) 583-0030 (phone)
(864) 583-0002 (FAX)